

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN K. WHITEFORD,)	
)	
Plaintiff,)	Civil Action No. 12-55
)	
v.)	
)	District Judge Conti
COMMONWEALTH OF)	Chief Magistrate Judge Lenihan
PENNSYLVANIA, MUNICIPALITY)	
OF PENN HILLS, ANTHONY)	
DELUCA, HOWARD DAVIDSON,)	
M. LETTRICH, ESQ., MEYER,)	
DARRAGH, BEBENEK, ECK, et al.,)	Re: ECF Nos. 10, 12, 38, 40, 42
B. BRIMMEIER, ESQ.,)	43, 44, 51, 63
A. SWEENEY, ESQ.,)	
A. RACUNAS, ESQ.,)	
A.J. ZANGRILLI, JR., ESQ.,)	
C.C. COLIN, ESQ., YUKEVICH,)	
MARCHETTI, LIEKAR &)	
ZANGRILLI P.C., P. MCGRAIL, ESQ.,)	
ISOBEL STORCH, ESQ.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff John K. Whiteford (“plaintiff”) filed his complaint on January 17, 2012 and this case was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court.

The magistrate judge’s Report and Recommendation (ECF No. 63) filed on August 13, 2012, recommended that all the defendants’ motions to dismiss plaintiff’s complaint pursuant to Federal Rule of Civil Procedure 12 (b) (6) be granted with prejudice because, among other things, all the claims asserted by plaintiff are

barred by the applicable statute of limitations. Service was made on all counsel of record and pro se plaintiff. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, the parties had fourteen days from the date of service to file objections to the Report and Recommendation.

Plaintiff filed objections entitled “Appeal of Magistrate Judge Decision,” and “First Addendum in Support of Appeal.” (ECF Nos. 64 - 65.) Plaintiff’s objections do not address the conclusions in the Report and Recommendation that his claims are barred by the applicable statute of limitations. The court notes plaintiff attached a summary to his objections which reflects the latest date for a prosecution against him occurred in 2007. (ECF No. 64 at 7.) Since there is a two-year statute of limitations applicable to the claims asserted by plaintiff, the instant claims filed in 2012 are time-barred. The court finds the rationale set forth in the Report and Recommendation with respect to the statute of limitations is persuasive and remains undisputed.

After review of the pleadings, documents in the case and the objections, together with the Report and Recommendation, the court finds the applicable statute of limitations bars plaintiff’s claims and the following Order is entered:

AND NOW, this 17th day of September, 2012,

IT IS HEREBY ORDERED that the Motions to Dismiss (ECF Nos. 10, 12, 38, 40, 42, 43, 44, and 51) filed by the Defendants in the above-captioned case are **GRANTED** with prejudice.

IT IS FURTHER ORDERED that the Report and
Recommendation (ECF No. 63) of Chief Magistrate Judge Lenihan, dated August 13,
2012, is adopted as the Opinion of the Court.

The clerk shall mark the case **CLOSED**.

BY THE COURT

/s/ Joy Flowers Conti
Honorable Joy Flowers Conti
United States District Judge

cc: All counsel of record
Via Electronic Mail

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PRO SE